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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,230

04/20/2007

Silas Bond

6670-136-999

9360

20583

7590

12/09/2009

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

EXAMINER

WANG, SHENGJUN

ART UNIT

PAPER NUMBER

1627

MAIL DATE

DELIVERY MODE

12/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,230	Applicant(s) BOND ET AL.	
	Examiner Shengjun Wang	Art Unit 1627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-85 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-4, 11, 13-40, 43-62, 81 drawn to a compound defined by formula I, wherein A together with the atoms to which it is attached, represents a phenyl, a composition comprising the same and the method of using the same for treating viral diseases.

Group II, claims 1-2, 5-38, 41-60, 62-66, 81 drawn to a compound defined by formula I, wherein A together with the atoms to which it is attached, represents a pyridyl, a composition comprising the same and the method of using the same for treating viral diseases.

Group III, claims 1-2, 5-11, 13-38, 41-60, 62, 65, 66, 81 drawn to a compound defined by formula I, wherein A together with the atoms to which it is attached, represents a pyridazinyl, a composition comprising the same and the method of using the same for treating viral diseases.

Group IV, claims 1-2, 5-11, 13-38, 41-60, 62, 65, 66, 81 drawn to a compound defined by formula I, wherein A together with the atoms to which it is attached, represents a pyrazinyl, a composition comprising the same and the method of using the same for treating viral diseases.

Group V, claims 1-2, 5-11, 13-38, 41-60, 62, 65, 66, 81 drawn to a compound defined by formula I, wherein A together with the atoms to which it is attached, represents a pyrimidinyl, a composition comprising the same and the method of using the same for treating viral diseases.

Group VI, claims 67-74, 82 drawn to compounds with pyridyl 3,4-fused ring as defined in claim 67.

Group VII, claims 75, 83 drawn to compounds with pyridyl 2,3-fused ring as defined by the general structure therein.

Art Unit: 1627

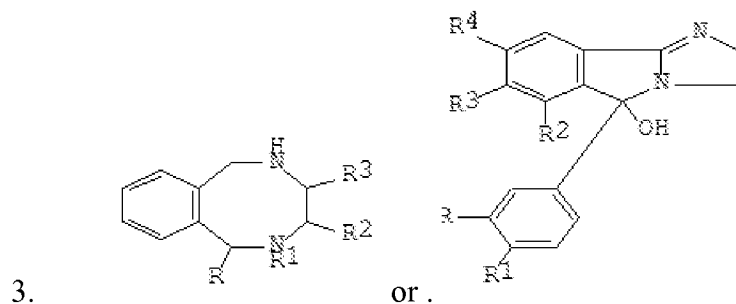
Group VIII, claims 76, 84 drawn to compounds with pyridazinyl 3,4 fused ring as defined by the general formula therein.

Group IX, claims 77, 85 drawn to various compound with pyridyl, pyridazinyl and pyrimidinyl fused ring as defined by the general formulas therein.

Group X, Claims 79-80, drawn to a method of separating the enantiomers of compounds defined by formula III.

Group XI, claims 1, 2, 5, 6, 13-37, drawn to method of using the compounds defined by formula I, wherein the compounds are not those employed in invention groups I-V (e.g., A is thienyl).

2. The inventions listed as Groups I-XI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: subject matters in invention groups I-XI are distinct and independent each from the others as the inventions drawn to the employment of structurally distinct compounds, which lacks the same core structural features and/or they have different effect, and method steps that are not obvious each from the others. For examples, compounds of groups VI-IX are deemed useful for making products other than those employed in invention groups I-V, such as dehydrogenation of the 1,3-diazole ring, or addition to the carbonyl group, or ring expansion to yield compounds similar to the following:



4. Further, compounds with different hetero-ring systems lack the same or corresponding special technical features as they have acquired a separate status in the art of compounds as a separate subject matter for inventive effect and require independent searches. Further, the claims read on a multitude of compounds, and a variety of disorders, which would require many field of searches that would be an undue burden on the Examiner. Therefore, restriction for examination purposes is proper.

Art Unit: 1627

Species Elections

5. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

A) The various compounds encompassed herein

Applicant is required, in reply to this action, to elect a single species (i.e., a single disclosed compound) to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

6. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the compounds are structurally distinct, as they have different substituents. See, e.g., the compounds listed in tables 2 and 3.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shengjun Wang whose telephone number is (571) 272-0632. The examiner can normally be reached on Monday to Friday from 7:00 am to 3:30 pm.

Art Unit: 1627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan, can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shengjun Wang/
Primary Examiner, Art Unit 1627

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